

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CRIMINAL APPLICATION (BA) NO.656 OF 2018

(Gurudeo s/o Santoshrao Malvande ..vs.. State of Maharashtra, through PSO, PS Khapa)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.G. Karmarkar, Counsel for the applicant,
Shri C.A. Lokhande, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 16-07-2018

Reply of the State is taken on record.

2. The accusation against the applicant is that he subjected a 12 year old boy to unnatural sex.
3. The offence under Sections 377 and 323 of the Indian Penal Code and under Sections 4 and 8 of the Protection of Children from Sexual Offences Act is registered on the basis of report dated 02-4-2018 lodged by the victim.
4. The report is lodged with promptitude and prima facie reveals the commission of a heinous offence against a 12 year old child.
5. The submission of the learned Counsel is that the MLC excludes the possibility of anal penetration. The submission is devoid of substance. Marks of violence are

noticed on the occipital region of the child. The opinion of the doctor is that anal penetration cannot be ruled out. The opinion apart, the statement of the victim is a sufficient *prima facie material* to connect the applicant with the crime.

6. In view of the nature of accusations, the gravity of the crime and particularly the fact that the victim is a 12 year old child, the applicant is not entitled to be released on bail.

7. The application is rejected.

JUDGE

adgokar